

**Pt. 1150**

**7 CFR Ch. X (1–1–07 Edition)**

market administrator shall prorate the over-contracted milk to each producer and cooperative association having a forward contract with the handler.

(e) Payments for milk covered by a forward contract must be made on or before the dates applicable to payments for milk that is not under forward contract under the respective Federal order.

(f) Handlers participating in the pilot program will continue to be required to file all reports that are currently required under the respective marketing orders and will continue to be required to account to the pool for all milk they receive at their respective order's minimum class prices.

(g) Nothing in this part shall impede the contractual arrangements that exist between a cooperative association and its members.

**PART 1150—DAIRY PROMOTION PROGRAM**

**Subpart—Dairy Promotion and Research Order**

**DEFINITIONS**

Sec.	
1150.101	Act.
1150.102	Department.
1150.103	Secretary.
1150.104	Board.
1150.105	Person.
1150.106	United States.
1150.107	Fiscal period.
1150.108	Eligible organization.
1150.109	Qualified State or regional program.
1150.110	Producer.
1150.111	Milk.
1150.112	Dairy products.
1150.113	Fluid milk products.
1150.114	Promotion.
1150.115	Research.
1150.116	Nutrition education.
1150.117	Plans and projects.
1150.118	Marketing.
1150.119	Cooperative association.

**NATIONAL DAIRY PROMOTION AND RESEARCH BOARD**

1150.131	Establishment and membership.
1150.132	Term of office.
1150.133	Nominations.
1150.134	Nominee's agreement to serve.
1150.135	Appointment.
1150.136	Vacancies.
1150.137	Procedure.
1150.138	Compensation and reimbursement.

1150.139 Powers of the Board.

1150.140 Duties of the Board.

**EXPENSES AND ASSESSMENTS**

1150.151	Expenses.
1150.152	Assessments.
1150.153	Qualified State or regional dairy product promotion, research or nutrition education programs.
1150.154	Influencing governmental action.
1150.155	Adjustment of accounts.
1150.156	Charges and penalties.
1150.157	Assessment exemption.

**PROMOTION, RESEARCH AND NUTRITION EDUCATION**

1150.161	Promotion, research and nutrition education.
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**REPORTS, BOOKS AND RECORDS**

1150.171	Reports.
1150.172	Books and records.
1150.173	Confidential treatment.

**MISCELLANEOUS**

1150.181	Proceedings after termination.
1150.182	Effect of termination or amendment.
1150.183	Personal liability.
1150.184	Patents, copyrights, inventions and publications.
1150.185	Amendments.
1150.186	Separability.
1150.187	Paperwork Reduction Act assigned number.

**Subpart—Procedure for Certification of Milk Producer Organizations**

1150.270	General.
1150.271	Definitions.
1150.272	Responsibility for administration of regulations.
1150.273	Application for certification.
1150.274	Certification standards.
1150.275	Inspection and investigation.
1150.276	Review of certification.
1150.277	Listing of certified organizations.
1150.278	Confidential treatment.

**AUTHORITY:** 7 U.S.C. 4501–4514 and 7 U.S.C. 7401

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**Subpart—Dairy Promotion and Research Order**

**DEFINITIONS**

**§ 1150.101 Act.**

*Act* means Title I, Subtitle B, of the Dairy and Tobacco Adjustment Act of

## Agricultural Marketing Service, USDA

## § 1150.119

1983, Pub. L. 98-180, 97 Stat. 1128, as approved November 29, 1983, and any amendments thereto.

### § 1150.102 Department.

*Department* means the United States Department of Agriculture.

### § 1150.103 Secretary.

*Secretary* means the Secretary of Agriculture of the United States or any other officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in the Secretary's stead.

### § 1150.104 Board.

*Board* means the National Dairy Promotion and Research Board established pursuant to § 1150.131.

### § 1150.105 Person.

*Person* means any individual, group of individuals, partnership, corporation, association, cooperative or other entity.

### § 1150.106 United States.

*United States* means the 48 contiguous States in the continental United States.

### § 1150.107 Fiscal period.

*Fiscal period* means the calendar year or such other annual period as the Board may determine.

### § 1150.108 Eligible organization.

*Eligible organization* means any organization which has been certified by the Secretary pursuant to §§ 1150.270 through 1150.278 of this part.

### § 1150.109 Qualified State or regional program.

*Qualified State or regional program* means any State or regional dairy product promotion, research or nutrition education program which is certified as a qualified program pursuant to § 1150.153.

### § 1150.110 Producer.

*Producer* means any person engaged in the production of milk for commercial use.

### § 1150.111 Milk.

*Milk* means any class of cow's milk produced in the United States.

### § 1150.112 Dairy products.

*Dairy products* means products manufactured for human consumption which are derived from the processing of milk, and includes fluid milk products.

### § 1150.113 Fluid milk products.

*Fluid milk products* means those milk products normally consumed in liquid form as a beverage.

### § 1150.114 Promotion.

*Promotion* means actions such as paid advertising, sales promotion, and publicity to advance the image and sales of, and demand for, dairy products generally.

### § 1150.115 Research.

*Research* means studies testing the effectiveness of market development and promotion efforts, studies relating to the nutritional value of milk and dairy products, and other related efforts to expand demand for dairy products.

### § 1150.116 Nutrition education.

*Nutrition education* means those activities intended to broaden the understanding of sound nutritional principles, including the role of milk and dairy products in a balanced diet.

### § 1150.117 Plans and projects.

*Plans and projects* means promotion, research and nutrition education plans, studies or projects pursuant to §§ 1150.139, 1150.140 and 1150.161.

### § 1150.118 Marketing.

*Marketing* means the sale or other disposition in commerce of dairy products.

### § 1150.119 Cooperative association.

*Cooperative association* means any cooperative marketing association of producers which is organized under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act".